

Exhibit One

STATE OF SOUTH CAROLINA)
)
) IN THE COURT OF COMMON
) PLEAS
COUNTY OF RICHLAND)
)
Antonyo A. Martin, Sr.) Case No.: 2018-CP-40-_____
)
) Plaintiff,)
)
)
v.)
)
)
South Carolina Department of)
Corrections, Correctional Officer John)
Doe, Correctional Officer Richard Roe,)
and Inmate John Doe,)
)
) Defendants.)

TO THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this Action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscriber at Austin & Rogers, P.A., 508 Hampton Street, Suite 203, Post Office Box 11716, Columbia, SC 29201, Counsel for Plaintiff, within thirty (30) days after service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,

AUSTIN & ROGERS, PA

s/ W. Michael Duncan

W. Michael Duncan
508 Hampton Street, Suite 203
Post Office Box 11716 (29211)
Columbia, South Carolina 29201
(803) 256-4000
(803) 252-3679 facsimile
wmduncan@austinrogerspa.com

August 31, 2018
Columbia, South Carolina

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON
		PLEAS
COUNTY OF RICHLAND)	
Antonyo A. Martin, Sr.)	Case No.: 2018-CP-40-_____
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	(Jury Trial Demanded)
South Carolina Department of)	
Corrections, Correctional Officer John)	
Doe, Correctional Officer Richard Roe,)	
and Inmate John Doe,)	
)	
Defendants.)	

Plaintiff Antonyo A. Martin, Sr., complaining of the Defendants would allege and show unto the Court as follows:

1. This is an action for relief brought pursuant to the Tort Claims Act of South Carolina, S.C. Code Section 15-78-10 et seq. (hereinafter referred to as the Tort Claims Act), 42 U.S.C. Section 1983, and the Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

2. Plaintiff is a citizen and resident of Richland County, South Carolina.

3. Defendant South Carolina Department of Corrections (hereinafter referred to as "Defendant SCDC") is a "governmental entity" organized and existing under the laws of the State of South Carolina and within the meaning of the South Carolina Tort Claims Act at South Carolina Code Ann. Section 15-78-30(d).

4. On information and belief, Defendant Correctional Officer John Doe was and, at all times relevant hereto, employed as a correctional officer at Ridgeland Correctional Institution in Ridgeland, South Carolina and was acting individually and/or as an agent and/or employee in the course and scope of his official duty with the Defendant SCDC.

5. On information and belief, Defendant Correctional Officer Richard Roe was and, at all times relevant hereto, employed as a correctional officer at Ridgeland Correctional Institution in Ridgeland, South Carolina and was acting individually and/or

as an agent and/or employee in the course and scope of his official duty with the Defendant SCDC.

6. On information and belief, Defendant Inmate John Doe is an inmate within the SCDC who was at the relevant time referenced in this Complaint housed at Allendale Correctional Institution.

7. On information and belief, Defendant Inmate Doe was housed at the same institution as Plaintiff (Ridgeland Correctional Institution) in July 2016 and was involved in an altercation with other inmates which resulted in his transfer to Allendale Correctional Institution. Plaintiff was not involved at all in the July 2016 altercation at Ridgeland Correctional Institution, but was aware of it by virtue of his being housed at Ridgeland.

8. As Defendant SCDC is headquartered in Richland County, South Carolina, and Plaintiff is a citizen of Richland County, Plaintiff is informed and believes that venue is proper in this Court.

9. Plaintiff is a physically handicapped person with left side paralysis. Plaintiff has limited use of his hand and walks with a significant limp. These physical limitations are obvious to any reasonable person who encounters Plaintiff.

10. On September 12, 2016 Plaintiff was an inmate within the SCDC and was being transported from Ridgeland Correctional Institution to the Broad River Road complex in Columbia for a medical procedure due to his disabilities. For transport purposes on the bus, Plaintiff was shackled. Inmate Doe boarded the bus at Allendale Correctional Institution. While shackled, Plaintiff was attacked by Inmate Doe while the bus was parked at Allendale Correctional Institution. Inmate Doe head-butted Plaintiff, splitting open his right eye; Inmate Doe then knocked Plaintiff to the floor of the bus causing him further injuries.

11. Defendants Correctional Officer Doe and Correctional Officer Roe were the officers (driver and passenger) on board the bus during the transport. However, at the time of the incident referred to above, neither of the correctional officers was present on the bus leaving the inmates alone on the bus in violation of SCDC policies and procedures.

12. The gross negligence of Defendants Correctional Officer Doe and Correctional Officer Roe in failing to be present at their post was a proximate cause of the

incident which resulted in significant injury to the Plaintiff including a permanent scar to his right eye, pain and suffering, and mental anguish.

13. Plaintiff was initially treated for his injuries (patched up) while the bus was at Allendale Correctional Institution. He received additional treatment at Kirkland Correctional Institution within the SCDC later on the date of the incident; he received stitches over his right eye. The stitches were removed eight days later. Plaintiff also received additional medical treatment during the last six weeks of his sentence at SCDC. Plaintiff made parole in October 2016 and was released from SCDC custody on October 31, 2016 after serving just over thirteen months.

14. As a result of the gross negligence of the Defendants, Plaintiff continues to endure pain and suffering and mental anguish.

15. Plaintiff Martin seeks actual and punitive damages in an amount to be determined by a jury.

FOR A FIRST CAUSE OF ACTION

(Violation of Civil Rights and 42 USC Section 1983; General Allegations against Defendant Correctional Officer Doe and Defendant Correctional Officer Roe)

16. Plaintiff reiterates all the allegations contained herein as fully as if repeated herein verbatim.

17. Defendants herein acted in a grossly negligent, reckless, willful, wanton and with a deliberate indifference to the right of the Plaintiff in the following particulars:

- a. In allowing uncontrolled violence in the transport of the inmates;
- b. In failing to provide protection and security for the Plaintiff;
- c. In failing to comply with SCDC policies and procedures regarding correctional officers remaining at their posts supervising inmates during transport;
- d. In such other particulars as the evidence at trial will show.

18. In committing the acts and omissions herein, Defendant Correctional Officer Doe and Defendant Correctional Officer Roe acted under color of state law to deprive Plaintiff of certain constitutionally protected rights under the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States and the Constitution of

the State of South Carolina, including, but not limited to: 1) due process of law, and 2) the right to be free from cruel and unusual punishment.

19. In violating Plaintiffs rights as set forth above and other rights, Defendants caused Plaintiff to suffer actual and consequential damages as alleged in this Complaint and Plaintiff is entitled to relief under 42 U.S.C. Section 1983 for **ACTUAL**, **CONSEQUENTIAL** and **PUNITIVE** damages and **ATTORNEY'S FEES**.

FOR A SECOND CAUSE OF ACTION
(Violation of Tort Claims Act of South Carolina, S.C Code Section 15-78-10 et. seq.)
Allegations against Defendant SCDC)

20. Plaintiff reiterates all the allegations contained herein as fully as if repeated herein verbatim.

21. Defendant SCDC is liable for the acts of its employees, as they were acting within the course and scope of their official duties pursuant to South Carolina Code Ann. Section 15-7810, et. seq. Defendants SCDC, Defendant Correctional Officer Doe and Defendant Correctional Officer Roe acted in a negligent, grossly negligent, reckless, willful and wanton manner in causing injury to the Plaintiff in the following particulars:

- a. In allowing uncontrolled violence in the transport of the inmates;
- b. In failing to provide protection and security for the Plaintiff;
- c. In failing to comply with SCDC policies and procedures regarding correctional officers remaining at their posts supervising inmates during transport;
- d. In such other particulars as the evidence at trial will show.

22. As a direct and proximate result of the grossly negligent and reckless acts of the Defendants, Plaintiff was injured and damaged and is entitled to **ACTUAL** and **CONSEQUENTIAL** damages.

FOR A THIRD CAUSE OF ACTION
(Assault and Battery - as to Defendant Inmate John Doe)

23. Plaintiff reiterates each and every allegation contained herein as fully as if repeated herein verbatim.

24. Defendant Inmate John Doe, in violation of South Carolina Code § 16-3-600, assaulted and battered Plaintiff by intentionally head-butting him and then knocking him to the floor of the bus, causing him great bodily injury and mental anguish.

25. Defendant Inmate John Doe assaulted and battered Plaintiff's person and as a direct and proximate result, Plaintiff has been injured and damaged and is entitled to **ACTUAL, CONSEQUENTIAL and PUNITIVE DAMAGES.**

WHEREFORE, having fully complained of the Defendants, Plaintiff Antonyo A. Martin, Sr., prays for the following relief:

- a. Actual and consequential damages against all Defendants in an amount to be determined by a jury for the personal injuries, pain and suffering, and mental anguish he suffered in the attack;
- b. Punitive damages, except as to Defendant SCDC;
- c. Attorney's fees and costs associated with this action pursuant to 42 USC Section 1983; and
- d. Such other relief as is just and proper.

Respectfully submitted,
AUSTIN & ROGERS, PA

s/ W. Michael Duncan
W. Michael Duncan
508 Hampton Street, Suite 203
Post Office Box 11716 (29211)
Columbia, South Carolina 29201
(803) 256-4000
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August 31, 2018
Columbia, South Carolina

AFFIDAVIT OF SERVICE

Exhibit Two

ELECTRONICALLY FILED - 2018 Dec 14 5:13 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004704

State of South Carolina

County of Richland

Common Pleas Court

Case Number: 2018CP4004704

Plaintiff:

Antonyo A. Martin, Sr.

vs.

Defendant:

South Carolina Department of Corrections, Correctional Officer John Doe, Correctional Officer Richard Roe, and Inmate John Doe

For:

Austin & Rogers, P.A.
508 Hampton Street, Suite 300
Columbia, SC 29201

Received by John Adams & Associates to be served on **South Carolina Department Of Corrections, 4444 Broad River Road, Columbia, SC 29210.**

I, Angela Adams, being duly sworn, depose and say that on the **11th day of December, 2018 at 3:23 pm, I:**

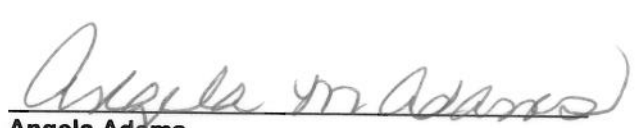
Substitute Served by leaving a true copy of this **SUMMONS AND COMPLAINT** with the date and hour of service endorsed thereon by me, at the within named person's usual place of business, to a person employed therein to wit: Jonathan Eckstrom as Administrative Coordinator and informing said person of the contents thereof.

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 11th day of December, 2018 by the affiant who is personally known to me.


NOTARY PUBLIC

Exp. Date: 5/8/21


Angela Adams
Process Server

John Adams & Associates
P.O. Box 1070
Elgin, SC 29045
(803) 600-7722

Our Job Serial Number: MCK-2018000722